

PROSPECTIVE ANALYSIS

BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

IDAPA 24.28.01

RULE 325 (WILL BE 100 SERIES)

Legal Authority: This is a statutory authority of the Board. Idaho Code § 54-5818 states that “the board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmetics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed.

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	The Alaska Department of Environmental Conservation has a 40 page regulation for the health, safety, and environmental conservation related to Hair and Body Art Schools and Shops: 18 AAC 23. The Board of Barbers and Hairdressers has fully incorporated the environmental regulations into their rules by reference. https://www.commerce.alaska.gov/web/portals/5/pub/BandHStatutes.pdf https://dec.alaska.gov/media/1033/18-aac-23.pdf	N/A
Montana	Establishments must provide floorplans and blueprints, have approved restrooms, be separate from residences, maintain a generator, and may not allow non cosmetology businesses to share unpartitioned space. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E121%2E407 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E121%2E1302	Idaho has the same regulations, but goes into more detail as to the floor plans, restrooms, and plumbing, and includes additional references to “contiguous establishments”
Nevada	Specifies regulations for drinking cups, waste disposal, exhaust systems, restrooms, walls, floor, plumbing, headrests, foot spas, disinfectants, clippers, wax pots, garments, footwear, hot steamed towels, infections, skin removal, residential establishments, and other establishments.	Idaho has significantly fewer specific regulations, but goes into more detail as to the floor plans and includes additional

	https://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-644A.html#NAC644ASec700	references to “contiguous establishments”
Oregon	<p>Oregon places sanitation requirements on each authorization holder working within an establishment, not the establishment itself, allowing for citation of each authorization holder for any violations within the establishment. No other specifications regarding square footage or bathrooms or water are present in their rules.</p> <p>https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5600</p>	Idaho is more restrictive as it dictates more specifics for establishments and holds the establishment owner liable for acts of licensees within the establishment.
South Dakota	<p>Specifies square footage of license space, plumbing, restrooms, ventilation, private residences, nursing facility salons, and specific equipment requirements.</p> <p>https://sdlegislature.gov/Rules/Administrative/10877</p>	N/A.
Utah	<p>Utah’s board of cosmetology does not appear to regulate establishment licensure.</p> <p>https://rules.utah.gov/wp-content/uploads/r156-11a.pdf</p>	Utah’s Board of Cosmetology does not regulate establishments
Washington	<p>Regulates plumbing, laundry and a slew of sanitation, disinfectant, storage, and maintenance standards for all equipment within a licensed establishment.</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=308-20-110</p>	Idaho has significantly fewer specific regulations, but goes into more detail as to the floor plans and includes additional references to “contiguous establishments”
Wyoming	<p>Barbers (016: Chapter 9): Minimum equipment, potable water, restrooms, separation from residence/non-barber businesses, mobile shop rules, temporary location rules.</p> <p>Cosmetologists (033: Chapter 7): Minimum equipment, partitions with other businesses, heating, lighting, ventilation, separation from residence.</p> <p>https://rules.wyo.gov/Search.aspx?Agency=078&Program=0001</p>	Idaho has significantly fewer specific regulations, but goes into more detail as to the floor plans and includes additional references to “contiguous establishments”

RULE 328 (WILL BE REMOVED)

Legal Authority: This is a statutory authority of the Board. Idaho Code § 54-5818 states that “the board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmetics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed.

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Alaska’s board of cosmetology does not appear to regulate thermal styling equipment dealers. https://www.commerce.alaska.gov/web/portals/5/pub/BandHStatutes.pdf	Idaho is the only state that has this rule in its board rules.
Montana	Montana’s board of cosmetology does not appear to regulate thermal styling equipment dealers. https://rules.mt.gov/gateway/ChapterHome.asp?Chapter=24%2E121	Idaho is the only state that has this rule in its board rules.
Nevada	Nevada’s board of cosmetology does not appear to regulate thermal styling equipment dealers. https://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-644A.html#NAC644ASec700	Idaho is the only state that has this rule in its board rules.
Oregon	Oregon’s board of cosmetology does not appear to regulate thermal styling equipment dealers. https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=119	Idaho is the only state that has this rule in its board rules.
South Dakota	South Dakota’s board of cosmetology does not appear to regulate thermal styling equipment dealers. https://sdlegislature.gov/Rules/Administrative/13683	Idaho is the only state that has this rule in its board rules.

Utah	Utah's board of cosmetology does not appear to regulate thermal styling equipment dealers. https://rules.utah.gov/wp-content/uploads/r156-11a.pdf	Idaho is the only state that has this rule in its board rules.
Washington	Washington's board of cosmetology does not appear to regulate thermal styling equipment dealers. https://app.leg.wa.gov/WAC/default.aspx?cite=308-20	Idaho is the only state that has this rule in its board rules.
Wyoming	Wyoming's board of cosmetology does not appear to regulate thermal styling equipment dealers. https://rules.wyo.gov/Search.aspx?Agency=078&Program=0001	Idaho is the only state that has this rule in its board rules.

RULE 710

Legal Authority: This is a statutory authority of the Board. Idaho Code § 54-5808(2)(c) states that “(c) A person licensed or certified under this chapter to practice barbering, barber-styling, cosmetology, esthetics, makeup artistry or nail technology provided that:(i) The services provided outside a licensed establishment are limited to those authorized by board rule;”

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Alaska’s board of barbers and cosmetology allows for practice outside a licensed shop or school where “adequate health and sanitary conditions can be provided.” https://www.commerce.alaska.gov/web/portals/5/pub/BandHStatutes.pdf	Idaho limits the services which can be performed outside a licensed shop and is therefore more stringent.
Montana	Montana’s board of barbers and cosmetology does not appear to address practice outside a licensed establishment, although rules exist for temporary establishment permits. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E121%2E1302	Idaho allows practice outside of a licensed establishment, and is therefore less stringent.
Nevada	Nevada allows barbers only, not cosmetologists, to operate outside of their licensed establishment only during an emergency with board approval or if a customer’s doctor’s note requires services to be performed off-site. https://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-644A.html#NAC644ASec700	Idaho does not limit reasons for off site services, only the scope.

Oregon	Oregon's board of barbers and cosmetology does not appear to address practice outside a licensed establishment, although rules exist for temporary establishment permits. https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5600	Idaho allows practice outside of a licensed establishment, and is therefore less stringent.
South Dakota	South Dakota allows cosmetologists only, not barbers, to operate outside of their licensed establishment only for limited mobility clients, or events with prior board approval. https://sdlegislature.gov/Statutes/Codified_Laws/2060310	Idaho does not limit reasons for off site services, only the scope.
Utah	Utah's board of barbers and cosmetology does not appear to address practice outside a licensed establishment, although rules exist for temporary establishment permits. https://adminrules.utah.gov/public/rule/R156-11a/Current%20Rules	Idaho allows practice outside of a licensed establishment, and is therefore less stringent.
Washington	Washington's board of barbers and cosmetology does not appear to address practice outside a licensed establishment, although rules exist for temporary establishment permits. https://app.leg.wa.gov/WAC/default.aspx?cite=308-20	Idaho allows practice outside of a licensed establishment, and is therefore less stringent.
Wyoming	Wyoming's board of barbers and cosmetology does not appear to address practice outside a licensed establishment, although rules exist for temporary establishment permits. https://drive.google.com/file/d/1Ki_RJ4wgqdzcKqyrscAeT1fjfaQpIr6d/view	Idaho allows practice outside of a licensed establishment, and is therefore less stringent.

RULE 800

Legal Authority: This is a discretionary authority of the Board. Idaho Code § 54-5807(i) states that the board has the power to “Take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of occupations licensed, certificated and registered under this chapter;”

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Alaska’s board of barbers and cosmetology does not appear to address unprofessional conduct. https://www.commerce.alaska.gov/web/portals/5/pub/BandHStatutes.pdf	Idaho lists 10 activities which are unprofessional, making Idaho’s rules more stringent.
Montana	Montana’s board of barbers and cosmetology lists approximately 30 activities which are unprofessional, only three of which overlap with Idaho’s: wax rollers, apprentices, and investigations. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E121%2E1302	Idaho regulates different, more specific, but fewer types of unprofessional conduct and is therefore less stringent.
Nevada	Nevada’s board of barbers and cosmetology only appears to regulate professional conduct during board meetings, but not in general. The rules do have a section on “gross misconduct” which is a general prohibition against malpractice and malice. https://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-644A.html#NAC644ASec700	Idaho lists 10 activities which are unprofessional, making Idaho’s rules more stringent.
Oregon	Oregon’s board of barbers and cosmetology does not appear to address unprofessional conduct.	Idaho lists 10 activities which are unprofessional,

	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5600	making Idaho's rules more stringent.
South Dakota	<p>South Dakota code section 36-14-32 (barbers) and 36-15-58 (cosmetology) each state that "unprofessional conduct" is grounds for revocation of licensure, but neither statute nor rules define the term.</p> <p>https://sdlegislature.gov/Statutes/Codified_Laws/2060219 https://sdlegislature.gov/Statutes/Codified_Laws/2060310</p>	Idaho lists 10 activities which are unprofessional, making Idaho's rules more stringent.
Utah	<p>Utah's board of barbers and cosmetology lists 20 activities which are unprofessional, only three of which overlap with Idaho's: skin cutting, apprentices, and practice outside scope of training.</p> <p>https://le.utah.gov/xcode/Title58/Chapter11A/58-11a-S501.html?v=C58-11a-S501_2016051020160510</p>	Idaho regulates different, more specific, but fewer types of unprofessional conduct and is therefore less stringent.
Washington	<p>Washington's board of barbers and cosmetology rules cite to the general unprofessional practice section applying to all licenses. There is only overlap as to the general rules regarding practicing outside the scope of training and participating with board investigations.</p> <p>https://www.dol.wa.gov/business/cosmetology/docs/cosmetology-law-book.pdf https://app.leg.wa.gov/rcw/default.aspx?cite=18.235.130</p>	Idaho regulates different, more specific, but fewer types of unprofessional conduct and is therefore less stringent.
Wyoming	<p>Wyoming's board of barbers and cosmetology lists approximately 19 activities which are unprofessional, only two of which overlap with Idaho's: practicing outside scope of training and investigations.</p> <p>https://drive.google.com/file/d/1lalr3Bf6g5lZx-HVbCkIU2lKpzgr-zX-/view</p>	Idaho regulates different, more specific, but fewer types of unprofessional conduct and is therefore less stringent.

RULE 851

Legal Authority: This is a statutory authority of the Board. Idaho Code § 54-5818 states that “the board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmetics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<p>Alaska</p>	<p>Alaska regulates safety and disinfection through environmental statute, not licensing rule. The 38 page document includes all 11 subjects addressed in rule 851.</p> <p>https://dec.alaska.gov/media/1033/18-aac-23.pdf</p>	<p>Idaho regulates safety for establishments and schools as a licensing rule, not an environmental statute, making it less restrictive.</p>
<p>Montana</p>	<p>Montana’s board of barbers and cosmetology only regulates establishments and schools’ premises, fixtures, and general sanitation, and does not go into detail regarding each specific sub-category.</p> <p>https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E121%2E1501</p>	<p>Idaho regulates different, more specific, and more types of safety and disinfection and is therefore more stringent.</p>
<p>Nevada</p>	<p>Nevada’s board of cosmetology does not specifically address safety and disinfection of establishments and schools as separate topic, but rules 644A.700 through 644A.795 address different aspects of what establishments and schools are required to have, and each of those sub topics (restrooms, walls, wax pots, cosmetics, etc) each have sanitization standards included.</p>	<p>Idaho carves out 11 examples of safety and disinfection compared to Nevada’s 20 subsections with individual</p>

	https://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-644A.html#NAC644ASec740	disinfection rules, making Idaho less stringent.
Oregon	<p>Oregon's board of barbers and cosmetology regulates all the same safety and disinfection rules as Idaho, but includes more specific and general rules (17 topics each with several sub topics as compared to Idaho's 1 topic with 11 sub topics)</p> <p>https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3666</p>	Idaho lists 11 activities which are unprofessional compared to Oregon's 17, making Idaho's rules less stringent.
South Dakota	<p>South Dakota barber rules include rules regarding infection control in 5 separate sections. The Cosmetology rules do not address sanitization standards.</p> <p>https://sdlegislature.gov/Rules/Administrative/13396 https://sdlegislature.gov/Rules/Administrative/13620</p>	Idaho's rules are in line with South Dakota's for barbers, but also apply to cosmetologists, making Idaho's rules more stringent.
Utah	<p>Utah's board of barbers and cosmetology does not regulate safety and disinfection standards. Those rules are codified in Health and Disease Control statute.</p> <p>https://adminrules.utah.gov/public/rule/R156-11a/Current%20Rules https://epi.health.utah.gov/wp-content/uploads/2021/03/R392-702_CosmetologyFacilitySanitation.pdf</p>	Idaho's board addresses safety and disinfection, making it more stringent as a licensing body.
Washington	<p>Wyoming's board of barbers and cosmetology lists 19 sections of safety and disinfection, all of which are addressed in Idaho's rules.</p> <p>https://app.leg.wa.gov/wac/default.aspx?cite=308-20-110</p>	Idaho regulates fewer types categories for safety and disinfection and is therefore less stringent.
Wyoming	<p>Wyoming's board of barbers and cosmetology lists 17 sections of safety and disinfection, all of which are addressed in Idaho's rules.</p> <p>https://drive.google.com/file/d/136fcCw9pCIesIWrrf8fGZcEN55HDsWUo/view</p>	Idaho regulates fewer types categories for safety and disinfection and is therefore less stringent.